

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AGRONY YOUNGBLOOD-THOMAS,

Plaintiff,

Case No. 05-CV-72168-DT

vs.

HON. GEORGE CARAM STEEH
MAG. JUDGE WALLACE CAPEL, JR.

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

_____ /

ORDER ACCEPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND DISMISSING COMPLAINT (#15)

This matter is before the court on plaintiff Agrony Youngblood-Thomas' challenge of a final decision of defendant Commissioner denying her application for Disability Insurance Benefits (DIB). Plaintiff signed her application for benefits on December 19, 2001, alleging that she has been disabled and unable to work since October 24, 2001. The SSA denied benefits initially on May 23, 2002. (TR 29-33). A de novo hearing was held on February 25, 2004, before Administrative Law Judge (ALJ) Bennett Engelman. (TR 182-210). In a decision dated July 28, 2004, the ALJ found that plaintiff was not disabled. (TR 16-25). The Appeals Council denied a request to review the decision on April 1, 2005; therefore, ALJ Engelman's decision is the Commissioner's final decision, and plaintiff now seeks review of that decision by this court. (TR 4-6). Both parties filed motions for summary judgment which were referred to the magistrate judge for report and recommendation. On May 23, 2006, the magistrate judge issued a report and recommendation recommending that plaintiff's motion for summary judgment be denied

and defendant's motion for summary judgment be granted.

In the magistrate judge's report and recommendation, the conclusion section clearly stated that objections to his report and recommendation were to be filed within 10 days of service of a copy thereof. 28 U.S.C. § 636(b)(1), Fed. R. Civ. P. 72(b). However, plaintiff has filed no objections to the report and recommendation to date. The failure to file such objections waives a party's right to further appeal. Howard v. Secretary of Health & Human Services, 932 F.2d 505 (6th Cir. 1991). Also see U.S. v. Campbell, 261 F.3d 628, 631-32 (6th Cir. 2001) (citing Thomas v Arn, 728 F.2d 813 (6th Cir. 1984), *aff'd* 474 U.S. 140 (1985)).

The court has reviewed the file, record, and magistrate judge's report and recommendation and accepts the magistrate judge's recommendation. Accordingly,

IT IS ORDERED that the magistrate's report and recommendation is accepted as the findings and conclusions of this court.

IT IS FURTHER ORDERED that defendant's motion for summary judgment is GRANTED and plaintiff's motion for summary judgment is DENIED for the reasons well-developed in the magistrate judge's report and recommendation.

SO ORDERED.

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

Dated: June 14, 2006

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record on June 14, 2006, by electronic and/or ordinary mail.

S/Josephine Chaffee

Secretary/Deputy Clerk